

REMARKS

Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected Claims 3 and 9 under 35 U.S.C. 112, second paragraph. As one basis for the rejection, the Examiner pointed out that Claim 3 depends from itself. Applicant has amended Claim 3 to depend upon Claim 2. The Examiner also pointed out that there is no basis in the specification to support both connectors being simultaneously connected to a fluid source (since the Examiner was assuming Claim 3 to depend upon Claim 2 in the analysis). Applicant has amended Claim 3 to state that the second connector is for connecting to a fluid "circuit." The support for this amendment can be found in the first paragraph of page 7 in Applicant's specification.

Rejections under 35 U.S.C. 102(b)

The Examiner rejected Claims 1, 2, 4, 5, 7, 8 and 11 under 35 U.S.C. § 102(b) as being anticipated by Gerber (U.S. 5,836,484). Applicant has reviewed this patent and respectfully traverses this rejection.

In order for a section 102(b) reference to be valid as prior art, every element and limitation of the claimed present invention - as literally defined in the claims - must be disclosed within the piece of prior art. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed.Cir. 1985); *Atlas Powder Company v. du Pont*, 750 F.2d 1569 (Fed.Cir. 1984); *American Hospital Supply v. Travenol Labs*, 745 F.2d 1 (Fed.Cir. 1984).

The patent to Gerber does not teach or describe several of the significant features of Applicant's invention which are recited in Claim 1. First, the patent to Gerber does not teach the use of Applicant's "truncated cone." Gerber's "delivery block" (30) has substantially vertical

sidewalls and then a region that tapers to a neck. The geometry of Gerber's delivery block is not that of a truncated cone and does not provide the advantages of Applicant's truncated cone geometry. For example, Applicant's use of a truncated cone geometry forces all fluid to flow toward the narrow end of the truncated cone. As described in Applicant's specification, "the shape of the truncated cone dictates that the part of elastic cylinder 14 lying above fluid groove 18... is less tightly stretched than the portion lying below fluid groove 18. Thus, the fluid travels upward, deflecting that portion of elastic cylinder 14 away from truncated cone 12."

(Applicant's specification, page 5, lines 17-21) Gerber's delivery block does not achieve this goal of nonuniform deformation of the elastic cylinder. Instead of relying on nonuniform deformation to control fluid flow, Gerber employs protrusion (50) to prevent fluid from flowing the wrong direction.

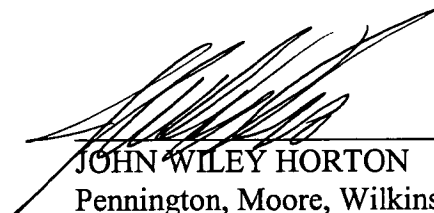
In addition, Gerber does not teach Applicant's "fluid groove." The Examiner referred to the sleeve valves (46 and 48) lying at the end of both branches Gerber's internal conduit. These structures are simply outlet ports of the internal conduit corresponding to Applicant's conduit element. The Examiner correctly pointed out that Gerber utilizes a retaining "groove" (52), but Gerber does not describe a second groove "between said retaining groove and said second end of said truncated cone" as recited in Claim 1.

Furthermore, Gerber does not teach Applicant's feature of a hollow elastic cylinder "wherein said first end lies tightly within said retaining groove." In Gerber, protrusion (52) lies within the retaining groove and the "first end" is beneath the retaining groove. As mentioned previously, Applicant's use of a truncated cone geometry makes the use of a protrusion unnecessary. Aside from the aforementioned benefit of directional flow control, Applicant's hollow elastic sleeve is easier to manufacture since there is no protrusion on Applicant's hollow

elastic cylinder.

None of the prior art references cited - or any other reference known to the Applicants - describes or suggests these features. In view of the amendments and these remarks, the Applicants believe that the claims are in condition for allowance. Accordingly, the Applicants respectfully request that the Examiner reconsider the rejections.

Respectfully submitted this 9th day of Nov., 2005.



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